UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROBERT INGERSOLL,	
Plaintiff,	
vs.	Case No. 3:18-cv-1685-NJR-GCS
DR. VIPIN SHAH,	
Defendant.	

ORDER

SISON, Magistrate Judge:

This matter is before the Court on Dr. Vipin Shah's motion to set aside default (Doc. 22). On November 5, 2018, Shah's waiver of service was returned executed with an answer due January 4, 2019 (Doc. 13). Shah failed to file a responsive pleading. Accordingly, the Clerk of the Court entered default against Shah (Docs. 18, 19) and instructed Plaintiff to file a motion for default judgment by December 2, 2019. Shah filed the motion to set aside default on November 7, 2019.

Pursuant to F.R.C.P. 55(c), "[t]he court may set aside an entry of default for good cause." "In order to vacate an entry of default the moving party must show: 1) good cause for default, 2) quick action to correct it, and 3) [a] meritorious defense to plaintiff's complaint." *Pretzel & Stouffer v. Imperial Adjusters, Inc.*, 28 F.3d 42, 45 (7th Cir. 1994); *Cracco v. Vitran Express, Inc.*, 559 F.3d 625, 630-631 (7th Cir. 2009). The standard for setting aside an entry of default is the same as that for setting aside a default judgment, but is applied more liberally. *See Cracco*, 559 F.3d at 631.

Defendant claims that by "inadvertent and regrettable mistake" he did not submit the executed waivers of service to counsel. (Doc. 22, p. 2). Defendant acted quickly to resolve the issue as counsel filed a motion to set aside the default and filed a motion for leave to file answer out of time (Doc. 23). Given that defaults are disfavored and the standard for vacating an entry of default is liberally applied, the Court finds that Shah has met the requirements of Rule 55(c) and **GRANTS** the Motion to Set Aside Default (Doc. 22). The Court further **GRANTS** the motion for leave to file answer out of time (Doc. 23). The Court **DIRECTS** Shah to file the answer *instanter*.

IT IS SO ORDERED.

Date: November 8, 2019.

Digitally signed by Magistrate Judge Gilbert C. Sison Date: 2019.11.08 09:55:46 -06'00'

GILBERT C. SISON United States Magistrate Judge